

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 555 of 2002
in
SPECIAL CIVIL APPLICATION No 7027 of 2002
with
CIVIL APPLICATION No 5449 of 2002

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE MR. D.S.SINHA
and
Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : YES
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

MODI KUNJANKUMAR VINODBHAI

Versus

GUJARAT UNIVERSITY

Appearance:

MR BM MANGUKIYA for Appellant

CORAM : THE CHIEF JUSTICE MR. D.S.SINHA
and
MR.JUSTICE J.M.PANCHAL

Date of decision: 07/08/2002

ORAL JUDGEMENT

(Per : THE CHIEF JUSTICE MR. D.S.SINHA)

#. Heard Mr.B.M.Mangukiya, learned counsel appearing for the appellant.

#. Instant Letters Patent Appeal is directed against the judgment and order dated 1st August, 2002, rendered by the learned Single Judge in Special Civil Application No.7027 of 2002 filed by the appellant, whereby the claim of the appellant for admission in Master of Computer Application Programme has been turned down on the ground of ineligibility.

#. Pursuant to the decision of the Government of Gujarat State to organize Centralized Entrance Test for admission to post graduate Master of Computer Application Programme (M.C.A.) for all Universities and their affiliated institutions which run A.I.C.T.E. approved programmes in Gujarat State, South Gujarat University conducted centralized entrance test known as Gujarat Centralized Entrance Test (G.C.E.T.). The appellant appeared in the test, but was found ineligible inasmuch as he did not possess the requisite qualification prescribed therefor.

#. The requisite qualifications for admission to the post graduate course of computer application programme are to be found in the Bulletin supplied to the candidates alongwith the application form for the session beginning from July, 2002. Paragraph-[V] of the Bulletin details the eligibility criteria. The first and foremost criterion is contained in clause (i) of Paragraph-[V], which reads as under:

"i. Graduates with not less than 50% marks in any discipline from a recognized University of Gujarat State, if they have passed Std.XII (H.S.C.) examination or its equivalent examination from a school located in Gujarat State with Mathematics/ Business Mathematics/ Statistics as one of his/her subjects in H.S.C. examination or its equivalent."

#. From the first eligibility criterion extracted above it is apparent that the candidate must be a graduate with not less than 50% marks in any discipline from a recognized University of Gujarat State, if he/she has passed Standard XII (H.S.C.) examination or its equivalent examination from a school located in Gujarat State with Mathematics/ Business Mathematics/Statistics as one of his/her subjects in H.S.C. examination or its equivalent. Passing of Standard XII (H.S.C.) examination

or its equivalent examination from a school located in Gujarat State with Mathematics/Business Mathematics/Statistics is basic qualification for being eligible for admission to post graduate Master of Computer Application Programme (M.C.A.).

#. It is not disputed that the appellant has not passed Standard XII (H.S.C.) or its equivalent examination with either Mathematics or Business Mathematics or Statistics as one of his subjects. Obviously, therefore, he does not satisfy the first criterion, and is, therefore, ineligible for admission to the post graduate Master of Computer Application Programme in question.

#. The learned Single Judge has rightly held that the appellant is ineligible for admission to the course under reference, and in coming to that conclusion, he was not in error in any manner.

#. The submission before the learned Single Judge was and before this Court is that the eligibility criteria is arbitrary and discriminatory.

#. Prescription of qualification for the course of post graduate Master of Computer Application Programme by the experts in the field, in the absence of any factual foundation in the petition therefor, cannot be held to be either arbitrary or discriminatory. The learned Single Judge has rightly pointed out that it was for the expert body to lay down the eligibility criteria, and this Court could not sit in judgment over the decision of the expert body. The view of the learned Single Judge finds support by the Division Bench decision of this Court rendered in Rhitu Aggarwal (Minor) V. State of Gujarat and ors., reported in 1993(2) GCD 420 (Guj).

##. For what has been said above, in the opinion of the Court, the impugned judgment and order of the learned Single Judge is perfect and warrants no interference. The appeal lacks merit. It is dismissed accordingly.

##. No orders on Civil Application.

(D.S.Sinha, C.J.)

(J.M.Panchal, J.)

(sunil)